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Regulatory
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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Commission on Local Government
Virginia Administrative Code (VAC) citation	__1_ VAC_50-__20__
Regulation title	Commission on Local Government Regulations
Action title	Amend the regulations of the Commission on Local Government
Document preparation date	February 24, 2004

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apr.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style, and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The proposed action is to update the regulations of the Commission on Local Government that are used by that body in their review of actions for municipal annexation, county immunity from city annexation, the transition of city to town status, the creation of a new independent city, and the establishment of an economic growth-sharing agreement, as well as certain other agreements between localities that settle interlocal issues. The regulations also address the powers of the chairman of the Commission, and the conduct of its meetings and its oral presentations and public hearings. The Commission on Local Government's regulations are proposed for amendment for several reasons. First, the Commission's current regulations were last revised in November 1984. Since that time, the General Assembly has assigned additional interlocal issues to be reviewed by the Commission, such as the transition of a town to city status, economic growth-sharing agreements, and annexations initiated by voters or property owners, and remove one previously assigned issue from their review (i.e., boundary line adjustments). Second, when the Administrative Code was created in the early 1990s, the Commission's regulations were integrated into the VAC without input from the Commission or its staff. As a result, several important references to the Code of Virginia in the regulations were omitted by the editors of the VAC, chapter titles were unnecessarily truncated so as to make them useless and confusing, and some typographic errors were transferred wholesale from the old regulations to the VAC. Third, any remaining references to the Code of Virginia in the regulations do not reflect 1997 recodification of Title 15.1 which requires users to have a cross-reference table at hand. Finally, when the original regulations were adopted, the

Commission had been active in the resolution of interlocal issues for only three years, whereas today, the Commission has been in existence for over 20 years and some of its procedures may need to be revised to reflect changing times.

Legal basis

Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

§ 15.2-2903, Code of Va. gives the Commission on Local Government the discretionary authority to "...make regulations, including rules of procedure of procedure for the conducting of hearings." The Commission on Local Government is the promulgating entity.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

The changes proposed to Commission on Local Government's regulations will include the following: 1) include procedures for the review of the transition of a town to city status, economic growth-sharing agreements, consolidations creating new independent cities, and annexations initiated by voters or property owners; 2) add to the regulations appropriate references to the Code of Virginia; 3) revise existing references to the Code of Virginia to reflect the recodification of Title 15.1; 4) revise chapter titles; 5) correct typographic errors; and 6) make other revisions to the Commission's procedures as needed. As far as can be determined, the proposed regulatory action is not essential to protect the health, safety, or welfare of citizens. Potential issues that may need to be addressed as the regulations are developed may be efforts by attorneys that practice before the Commission to make its proceedings conform to the rules of the Virginia Supreme Court; whereas the General Assembly never intended for the Commission to be a judicial body.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

One alternative would be to not undertake the proposed regulatory action. A second alternative would be for the Commission to repeal its current regulations and approach the review of interlocal issues in an ad hoc manner.

Impact on family

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

This proposed regulatory action will have no impact on the institution of the family and family stability.